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**ORIGINAL**

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

DEMOCRATIC PARTY OF HAWAII,

Plaintiff,

vs.

SCOTT T. NAGO, in his official  
capacity as Chief Election  
Officer of the State of Hawai'i,

Defendant.

**CV 13 00301 JMS KSC**

CIVIL NO. \_\_\_\_\_

PLAINTIFF'S SEPARATE  
AND CONCISE STATEMENT  
OF FACTS; EXHIBIT "1"

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

JUN 17 2013

at 2 o'clock and 09 min  
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**PLAINTIFF'S SEPARATE AND CONCISE STATEMENT OF FACTS**

Pursuant to LR 56.1 of the Local Rules of Practice for the United States District Court for the District of Hawai`i, Plaintiff Democratic Party of Hawai`i ("Plaintiff DPH") submits the following separate and concise statement of material facts in support of its Motion for Partial Summary Judgment.

<b><u>Material Facts</u></b>	<b><u>Support</u></b>
1. The Constitution of the Democratic Party of Hawai`i is DPH's supreme governing document.	Decl. Carpenter at 3

2. The Constitution of the Democratic Party of Hawai'i, Article I, Section 1, in language adopted by the Convention of the party on May 27, 2006, currently states in pertinent part:

"The Democratic Party of Hawai'i believes that its primary election, a state-imposed mandatory nomination procedure, ought to be open to participation of only such persons as are willing to declare their affiliation with and support for the Party, either through public registration to vote, or through maintenance of membership in the Party. The Party further believes that the current Constitution and laws of the State of Hawai'i, by maintaining secrecy of affiliation, and by compelling the Party to admit to its nomination procedures those who may have no interest in, or actually oppose the interests, values, and platform of the Party, do violence to the Party's associational freedoms and the individual freedoms of its membership to define their own political views, guaranteed under the Constitution of the United States. The State Central Committee and Party Chairperson shall take appropriate action to correct this injustice."

Decl.  
Carpenter at  
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Dated: Honolulu, Hawai'i, June 17, 2013.

GILL, ZUKERAN & SGAN

  
T. Anthony Gill

Attorney for Plaintiff  
Democratic Party of Hawai'i